



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,571	10/09/2003	Joseph C. McAlexander	MDFH01-00004	7658

23990 7590 06/13/2006

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/683,571	Applicant(s) MCALEXANDER, JOSEPH C.	
	Examiner David Q. Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 21-40 is rejected under 35 U.S.C. 102(e) as being anticipated by Menard et al.

(US 2002/0169539 A1).

Regarding claim 21, Menard et al disclose a method comprising determining, at a first mobile device capable of operating within a tracking system, a position of the first mobile device (see fig. 3, and par. 0051); transmitting, to a central monitoring system associated with the tracking system, first position information associated with the first mobile device (see fig. 3, par. 0051, 0088), and relaying to the central monitoring system second position information associated with a second mobile device (see fig. 3, pars. 0051, 0088 and fig. 13).

Regarding claim 24, Menard et al discloses a central monitoring system; and a first mobile device capable of determining a position of the first mobile device (see fig. 3, and par. 0051); transmitting to the central monitoring system first position information associated with the first mobile device (see fig. 3, and par. 0051, 0088); and relaying to the central monitoring system second position information associated with a second mobile device (see fig. 3, par. 0051, 0088 and fig. 13, its description).

Regarding claim 34, Menard et al discloses a mobile device comprising a position determining unit capable of determining a position of the first mobile device; and at least one transceiver capable of transmitting, to a central monitoring system, first position information associated with the mobile device (see fig. 3, pars. 0051, 0088 and figs. 3 and 13); and relaying to the central monitoring system second position information associated with a second mobile device (see fig. 3, pars. 0051, 0088 and fig. 3 and 13)

Regarding claims 22-23,25-33 and 35-40, Menard et al also discloses wherein the relaying of the second position information to the central monitoring system by the first mobile device occurs when the second mobile device is within a threshold distance of the first mobile device (see par. 0076); wherein the second mobile device is capable of transmitting the second position information directly to the central, monitoring system when the second mobile device is not within the threshold distance of the first mobile device (see figs. 13-16); wherein a value of the threshold distance is static (see par. 0082); wherein a value of the threshold distance is dynamic (see par. 0082); wherein at least one of the first and second mobile device comprises a GPS unit (see par. 0027); wherein at least one of the first and the second mobile devices comprises a transceiver capable of receiving signals from an RF transponder (see figs. 13-16); wherein the central monitoring system is capable of monitoring one or more positions of at least one of the first and second mobile devices while the at least one of the first and second mobile devices is within a defined geographical boundary (see par. 0088); wherein the central monitoring system comprises a first base station and a second base station each capable of receiving a beacon signal from the first mobile device (see figs. 13-16); wherein the central monitoring system is capable of determining the position of the first mobile device using a

Art Unit: 2681

triangulation algorithm that uses the beacon signal received from the first mobile device by the first base station and the second base station (see fig. 3, pars. 0051, 0088 and fig. 3 and 13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Drutman et al. (US 6618593) teaches location dependent user matching system.

Hsiao et al. (US 2003/0233189 A1) teaches mobile-trailer tracking system and method.

Yafuso et al. (US 20030030561A1) teaches method and apparatus for wireless tracking and communication.

Bates (US 2005/0272441 A1) teaches method, apparatus and system for notifying a user of a portable wireless device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

David Nguyen


ERIKA A. GARY
PRIMARY EXAMINER